

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN CHARLES BEGBIE FOWLER,

Plaintiff,

v.

JAROLD MARC,

Defendant.

Case No. 2:22-cv-02131-JDP (PC)

ORDER; FINDINGS AND
RECOMMENDATIONS

This action was opened when John Fowler submitted an unsigned complaint. ECF No. 1. On December 8, 2022, I notified Mr. Fowler that he had not properly commenced a civil action because he had not signed the complaint, and that he needed either to submit a complete application to proceed *in forma pauperis* or to pay the filing fee. ECF No. 4; *see* Fed. R. Civ. P. 3 (“A civil action is commenced by filing a complaint with the court.”). I granted him thirty days to comply with that order and warned him that failure to do so would result in this case being closed. *Id.* Mr. Fowler failed to comply with that order by the deadline; accordingly, on March 3, 2023, I ordered him to show cause for why this action should not be dismissed. ECF No. 5.

To date, Mr. Fowler has not complied with either the December 8 or March 3 orders or otherwise responded. Consequently, there is no case before the court. *See* Fed. R. Civ. P. 3.

Accordingly, it is hereby ORDERED that the Clerk of Court shall randomly assign a United States District Judge to this case.

1 Further, it is hereby RECOMMENDED that the Clerk of Court be directed to close the
2 case.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
8 objections shall be served and filed within fourteen days after service of the objections. The
9 parties are advised that failure to file objections within the specified time may waive the right to
10 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
11 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

12
13 IT IS SO ORDERED.

14 Dated: April 27, 2023



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE